

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT SMITH,
Defendant.

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING MOTIONS
HEARING AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT**

The parties are presently attempting to negotiate a pretrial resolution of the matter and jointly seek additional time to determine whether such a resolution can be reached. Accordingly, the parties agree and stipulate that the motions hearing presently scheduled for September 13, 2006 shall be continued to September 27, 2006. The parties further agree and stipulate that the time between September 13, 2006 and September 27, 2006 should be excluded under the Speedy

08-28-06

09:07

From-FEDERAL PUBLIC DEFENDER


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1 Trial Act. The parties agree that the requested continuance is appropriate in light of the need for
 2 defense counsel to conduct further investigation in preparation for the filing of additional
 3 motions in the event that settlement negotiations are not productive.

4 IT IS SO STIPULATED.

5 Dated: 8/28/06


 BARRY J. PORTMAN
 Federal Public Defender
 JOSH COHEN
 Assistant Federal Public Defender

8 Dated: 8/28/06


 KEVIN V. RYAN
 United States Attorney
 MICHELLE MORGAN-KELLY
 Assistant United States Attorney

14 ORDER

15 Accordingly, and for good cause shown, the Court orders that the motions hearing
 16 presently scheduled for September 13, 2006 shall be continued to September 27, 2006 at 10:00
 17 AM. The Court further orders that the time from September 13, 2006 through September 27,
 18 2006 shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice
 19 served by granting the requested continuance outweigh the best interest of the public and the
 20 defendant in a speedy trial. This finding is based on the Court's determination that the failure to
 21 grant the continuance would deny the defendant the reasonable time necessary for effective
 22 preparation of his defense, taking into account the exercise of due diligence. See 18 U.S.C. §
 23 3161(h)(8)(A) & (B)(iv).

24 IT IS SO ORDERED.

25 Dated: August 29, 2006


 CHARLES R. BREYER
 UNITED STATES DISTRICT COURT
 JUDGE CHARLES R. BREYER